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EXAMINER

SHIMIZU, MATSUICHIRO

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2635

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 20

Application Number: 09/136,839  
Filing Date: August 20, 1998  
Appellant(s): TETT, RICHARD J.

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Richard J. Tett  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on 10/21/2002.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because appellant only argues claims 1 and 21. Claims 1-20 stand or fall together and claim 21 stands or falls separately from claims 1-20.

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**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,392,452                                  Davis                                  2-1995

Octel-94, "User Reference Manual, Octel Communication Corporation", Copyright 1994,  
pages iii, 1-6

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 7-13, 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (5,392,452) in view of Octel (copyright 1994).

Regarding claim 1, Davis discloses for use in a wireless messaging system (c 1, ls 8-12), a message distribution system capable of allowing a subscriber (c 5, l 8, user) of said wireless messaging system to review stored wireless messages sent to said subscriber comprising; an interface to a database coupled to the message distribution system and capable of storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is

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stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)), and furthermore, capable of storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)); a first I/O interface (30, Fig. 1, c 4, ls 25-31, telephone interface network) capable of receiving a message retrieval request ( Fig. 1, c 4, ls 25-31, message retrieval request) from said subscriber (Fig. 1, c 4, ls 25-31, signal generated belonging to subscriber or user); a message retrieval controller coupled to said first I/O interface (32, Fig. 1, c 4, ls 25-31, telephone interface network) capable of determining an identity of said subscriber (Fig. 1, c 4, ls 25-31, predetermined security identification code) from identification data contained in said message retrieval request (Fig. 1, c 4, ls 25-31, signal generated belonging to subscriber or user), retrieving a data record associated with said subscriber (34 and 42, Fig. 1), said data record containing one or more of said stored wireless messages (42, Fig. 1), and transferring to said subscriber one or more selected portions of at least one of said stored wireless messages (c 4, ls 34-40, transferred to the pager or subscriber). But Davis does not disclose storing wireless messages directed to the subscriber including at least one stored message, which was previously delivered to said subscriber.

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However, Octel-94 discloses, in the art of subscriber message storage system, storing messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber (note; pages, iii, 1-3 and 6, archived messages) to assure the successful transfer of any message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber in the device of Davis because Davis suggests storing lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber and Octel-94 teaches storing messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber to assure the successful transfer of any message.

Regarding claim 2, Davis continues, as disclosed in claim 1, to disclose storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)); But Davis does not disclose storing messages directed to the subscriber automatically.

However, Octel-94 discloses, in the art of subscriber message storage system, storing automatically messages directed to the subscriber (note; pages, iii, 1-4 and 6, page 4 on "erase" messages are stored automatically if not erased) for later action (save, replay, erase or reply) on stored messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing messages

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directed to the subscriber, regardless of whether said message was received by device in the wireless device of Davis because Davis suggests storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber and Octel-94 teaches storing messages directed to the subscriber (note; pages, iii, 1-4 and 6, page 4 on "erase" messages are stored automatically if not erased) for later action (save, replay, erase or reply) on stored messages.

Regarding claim 3, Davis, further, discloses the distribution system initially transfers at least one stored message within the data record to the subscriber in response to the message retrieval request (c 4, ls 22-47, more selected fields are all fields or message). But Davis does not disclose the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request (c 4, ls 22-47, more selected fields are all fields or message).

However, Octel-94 discloses, in the art of subscriber message storage system, only selected fields from stored messages are sent to the subscriber in response to the initial retrieval request (page 3, envelope information by pressing key-5) before determining the transfer of full message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request in the device of Davis because Davis suggests the distribution system initially transfers at least one stored message within the data record to the subscriber in response to the message

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retrieval request and Octel-94 teaches, Octel-94 discloses, in the art of subscriber message storage system, only selected fields from stored messages are sent to the subscriber in response to the initial retrieval request (page 3, envelope information by pressing key-5) before determining the transfer of full message.

Regarding claim 4, Octel-94 discloses, in the art of subscriber message storage system, only selected complete message from stored messages are sent to the subscriber in response to the initial retrieval request (page 3, "Replay a Message").

Regarding claim 5, Davis discloses the first I/O interface (30, Fig. 1, c 4, ls 34-40) and an RF transceiver facility (15, Fig.1).

Regarding claim 7, Davis discloses receiving from said RF transceiver facility a response message responsive to a transmission of said received wireless message to said paging device (50, Fig. 1, c 5, ls 44-47, a call point transceiver) and response messages to stored messages are stored in association with the stored messages within the data record/database (c 3, ls 22-43, a call point transceiver).

Regarding claim 8, Davis discloses subscriber transmits message retrieval request. But Davis does not disclose the subscriber may selectively cancel any subsequent attempt to deliver the received message.

However, Octel-94 discloses, in the art of subscriber message storage system, canceling any subsequent attempt to deliver the received message (page 3, cancel review messages via \*-key) to select option of save, replay, erase or skip. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message in the device of Davis because Davis suggests subscriber transmits

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message retrieval request and Octel-94 teaches canceling any subsequent attempt to deliver the received message to select option of save, replay, erase or skip

Regarding claim 9, Davis discloses said message retrieval request is received from a public telephone system (30, Fig. 1, c 4, ls 25-28, the interface coupled to PSTN-20).

Regarding claim 10, Davis discloses a plurality of RF transceiver facilities (c 3, ls 2-33, anticipated from the nearest cordless telephone call point station suggests many other call point stations). Furthermore, the subject matters except said plurality of RF transceiver facilities in claim 10 are disclosed in claim 1, and therefore, rejections of the remaining subject matter expressed in claim 10 are met by references and associated arguments applied to rejections of claim 1. But Davis does not disclose storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber.

But Davis does not disclose storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber.

However, Octel-94 discloses, in the art of subscriber message storage system, storing messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber (note; pages, iii, 1-3 and 6, archived messages) to assure the successful transfer of any message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber in the device of Davis because Davis suggests storing lengthy messages directed to the subscriber independent of whether the

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wireless messages have been delivered to the subscriber and Octel-94 teaches storing messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber to assure the successful transfer of any message.

All subject matters in claim 11 are disclosed in claims 3 and 10, and therefore, rejections of the subject matters expressed in claim 11 are met by references and associated arguments applied to rejections of claims 3 and 10.

All subject matters in claim 12 are disclosed in claims 4 and 11, and therefore, rejections of the subject matters expressed in claim 12 are met by references and associated arguments applied to rejections of claims 4 and 11.

All subject matters in claim 13 are disclosed in claims 4 and 10, and therefore, rejections of the subject matters expressed in claim 13 are met by references and associated arguments applied to rejections of claims 4 and 10.

All subject matters in claim 15 are disclosed in claims 7 and 13, and therefore, rejections of the subject matters expressed in claim 15 are met by references and associated arguments applied to rejections of claims 7 and 13.

All subject matters in claim 16 are disclosed in claims 8 and 13, and therefore, rejections of the subject matters expressed in claim 16 are met by references and associated arguments applied to rejections of claims 8 and 13.

All subject matters in claim 17 are disclosed in claims 2 and 10, and therefore, rejections of the subject matters expressed in claim 17 are met by references and associated arguments applied to rejections of claims 2 and 10.

Claim 18 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claim 1. The method claimed is obvious in

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that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 18 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 18 would have been obvious to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claim 1.

Claim 19 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claims 1, 3 and 18. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 19 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 19 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 3 and 18.

Claim 20 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claims 1, 3 and 18-19. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and

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displaying paging messages. Accordingly, the inventive embodiments set forth in claim 20 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 20 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 3 and 18-19.

All subject matters in claim 21 are disclosed in claim 1, and therefore, rejections of the subject matters expressed in claim 21 are met by references and associated arguments applied to rejections of claim 1.

2. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Octel-94 as applied to claim 1 above, and further in view of and Pepe at al. (5,742,905).

Regarding claim 6, Davis discloses subscriber ID received with the security ID (c 4, ls 34-37). But Davis does not disclose said subscriber to enter a password.

However, Pepe discloses, in the analogous art of subscriber security, said subscriber to enter a password (c 13, ls 45-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include said subscriber to enter a password in the device of Davis because Davis suggests subscriber ID received with the security ID and Pepe teaches said subscriber to enter a password as an added security feature.

All subject matters in claim 14 are disclosed in claims 6 and 13, and therefore, rejections of the subject matters expressed in claim 14 are met by references and associated arguments applied to rejections of claims 6 and 13.

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**(11) Response to Argument**

Regarding appellant's argument (lines 13-15, page 9), the examiner maintains that Davis is not cited for storing the message, rather Octel -94 teaches storing messages which was previously delivered (note; pages, iii, 1-3 and 6, saved or archived after delivery) as claimed in claim 1.

Regarding appellant's argument (lines 3-6, page 10), the examiner maintains that Davis is not cited for storing the message, rather Octel -94 teaches reviewing previously delivered and saved messages (note; pages, iii, 1-3 and 6, listening to a message by skipping to archived messages ) as claimed in claim 1.

Regarding appellant's argument (lines 8-10, page 10), the examiner maintains that Davis is not cited for storing the message, and Octel -94 teaches this (note; page-1 teaches select between unheard messages for review or all messages for review. Also, page -3 teaches option for skipping to the archived message for review as claimed in claim 1.

Regarding appellant's argument (lines 4-9, page 11), the examiner maintains that claims do not distinguish these features; that is, messages actually transmitted by the paging system do not reach the subscriber due to the pager being turned off, the pager is located out of the area, or interference with the signal.

Regarding appellant's argument (lines 9-15, page 11), the examiner maintains that Octel-94 provides reasons why one would retain messages such as for later review, or for keeping important messages.

Regarding appellant's argument (lines 16-19, page 11), the examiner maintains that Octel -94 teaches reviewing previously delivered and saved messages (note; pages,

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iii, 1-3 and 6, listening to a message by skipping to archived messages) as claimed in claim 1.

Regarding appellant's argument (line 19, page 11 to line 3, page 12), the examiner maintains that Octel -94 teaches reviewing or delivering previously delivered and saved messages (note; pages, iii, 1-3 and 6, listening to a message by skipping to archived messages) as claimed in claim 1.

Regarding appellant's argument (lines 6-12, page 12), the examiner maintains that claims do not distinguish these features; that is, the attachment type and size field allows the subscriber to advantageously determine what the attachment is before requesting the attachment be downloaded to the subscriber; and messages actually transmitted by the paging system do not reach the subscriber due to the pager being turned off, the pager is located out of the area, or interference with the signal.

Regarding appellant's argument (lines 3-11, page 13), the examiner maintains that Davis is not cited for this. Clearly Octel-94 suggests on page iii retrieving messages outside of the company. In other words from a device (another telephone) other than intended device (home telephone).

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

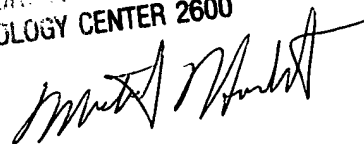

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